

IN THE SENATE

SENATE BILL NO. 1072

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO BICYCLE HELMETS; AMENDING SECTION 49-103, IDAHO CODE, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-725, IDAHO CODE, TO PROVIDE FOR A BICYCLE HELMET REQUIREMENT, PARENT OR GUARDIAN RESPONSIBILITY AND CIVIL PENALTIES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-103, Idaho Code, be, and the same is hereby amended to read as follows:

49-103. DEFINITIONS -- B. (1) "Bicycle" means every vehicle propelled exclusively by human power upon which any person may ride, having two (2) tandem wheels or three (3) wheels, any one (1) of which is more than twelve (12) inches in diameter, and except scooters and similar devices. "Bicycle" shall include any attached trailers, sidecars and other devices being towed by a bicycle.

(2) "Bicycle helmet" means a head covering designed for safety that meets or exceeds safety standards adopted by the consumer product safety commission (CPSC) or such subsequent nationally recognized standards for bicycle helmet performance. In the absence of an applicable CPSC standard, the head covering must meet or exceed the current standards adopted by either the American society for testing and materials or the Snell memorial foundation until such applicable CPSC standard exists or such subsequent nationally recognized standards for bicycle helmet performance is adopted. The bicycle helmet must be equipped with either a neck or chin strap that shall be fastened securely while the bicycle is in motion.

(3) "Board" means the Idaho transportation board.

(34) "Boat transporter" means any vehicle combination designed and used specifically to transport assembled boats and boat hulls.

(45) "Broker" means a person who, for a fee, commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale, but not resale, of a new vehicle, and who is not:

(a) A representative or an agent or employee of a representative;

(b) A distributor, agent or employee of a distributor; or

(c) At any point in the transaction, the owner of the vehicle involved in the transaction.

(56) "Bus" means every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. A motor vehicle used in a ridesharing arrangement that has a seating capacity for not more than fifteen (15) persons, including the driver, shall not be a "bus" under the provisions of this title relating to equipment requirements, rules of the road, or registration.

1 (~~6~~7) "Business district." (See "District", section 49-105, Idaho
2 Code)

3 (~~7~~8) "Buy." (See "Sell", "sold", and "purchase", section 49-120,
4 Idaho Code)

5 SECTION 2. That Chapter 7, Title 49, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 49-725, Idaho Code, and to read as follows:

8 49-725. BICYCLE HELMET. (1) Helmet requirement. No child who is
9 twelve (12) years of age or younger shall operate or be a passenger on a bicy-
10 cle on any roadway unless the child is wearing a bicycle helmet.

11 (2) Parent or guardian responsibility. The parent or guardian of a
12 child who operates or is a passenger on a bicycle in violation of the provi-
13 sions of subsection (1) of this section shall be responsible for requiring
14 that the child wears a bicycle helmet.

15 (3) Civil penalty. Any parent or guardian who fails to meet the respon-
16 sibility set forth in subsection (2) of this section shall be fined twenty-
17 five dollars (\$25.00) for the first offense and fifty dollars (\$50.00) for
18 each subsequent offense. The court may dismiss all charges if presented with
19 convincing evidence that the parent or guardian has purchased or obtained a
20 bicycle helmet for the child and has instructed the child to wear the bicy-
21 cle helmet in conformance with this section. The political subdivision en-
22 forcing this section shall retain one-half (1/2) of all civil penalties col-
23 lected pursuant to this section and shall remit the remaining one-half (1/2)
24 to the state treasurer for deposit in the general fund.